

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

JOSIE BADGER and EMILY GELLATLY,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

RETAIL PROPERTIES OF AMERICA, INC.,

Defendant.

Case No. 2:17-cv-01368-DSC

FILED ELECTRONICALLY

STIPULATION OF DISMISSAL

Pursuant to the provisions of Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs Josie Badger and Emily Gellatly (collectively “Plaintiffs”), and Defendant Retail Properties of America, Inc. (“Defendant”), by and through their counsel, hereby stipulate that:

1. This action shall be DISMISSED, with prejudice as between Plaintiffs and Defendant;
2. No motion for class certification has been filed and no class has been certified in this action; therefore, class notice and court approval of this dismissal are not required under the Federal Rules; and
3. Each party shall bear their own costs and fees, including attorneys’ fees, incurred in connection with this action.

Dated: March 8, 2018

Respectfully Submitted,

/s/ Benjamin J. Sweet

Benjamin J. Sweet

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**IT IS SO ORDERED, this 9th day
of March, 2018.**

s/ DAVID STEWART CERCONE
Senior United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Stipulation of Dismissal was electronically filed with the Clerk of the Court using the CM/ECF system on March 8, 2018, which will send notification of the filing to all counsel of record.

By: /s/ Benjamin J. Sweet